

REMARKS

Claims 1-30 are pending. Claims 1, 5, 7, 12, 15, 19, 21, 26 and 29 are amended.
Claims 1-30 currently stand rejected.

Rejections under 35 U.S.C. § 112

Claims 15-25 stand rejected under Section 112 on the ground that the term “computer-readable storage medium” does not find support in the claims. Reconsideration is respectfully requested.

Paragraph 0031 of the instant specification describes Figure 1 of the application as “an exemplary system [*i.e.*, computer 110] for *implementing the invention*” Paragraph 0032 states that “[c]omputer 110 typically includes a variety of computer readable media. . . . By way of example, and not limitation, computer readable media may comprise ***computer storage media*** and communication media. ***Computer storage media*** includes both volatile and nonvolatile, removable and non-removable media implemented in any method or technology for storage of information such as computer readable instructions, data structures, program modules or other data. ***Computer storage media*** includes, but is not limited to, RAM, ROM, EEPROM, flash memory or other memory technology, CDROM, digital versatile disks (DVD) or other optical disk storage, magnetic cassettes, magnetic tape, magnetic disk storage or other magnetic storage devices, or any other medium which can be used to store the desired information and which can accessed by computer 110.” These paragraphs provide ample support for the recitation of a “computer readable storage medium” in the claims (“media” is simply the plural form of “medium”). Reconsideration of the Section 112 rejection is respectfully requested.

Rejections under 35 U.S.C. 102(b)

Claims 1, 3-4, 12-13, 15, 17-18 and 26-27 stand rejected under 35 U.S.C. 102(b) as being anticipated by Boebert et al (US 5,822,435). These rejections are respectfully traversed.

In response to the applicants’ prior amendments and remarks (Office Action, ¶ 35), the Examiner refused to give any patentable weight to the recitation “concurrently” in claims

1, 5, 7, 12, 15, 19, 21, 26 and 29, because that term was recited in the preamble of those claims. The applicants respectfully submit that it was improper not to give the term “concurrently” patentable weight, merely because it was recited in the preamble. Where a claim term breathes meaning into the body of the claim, it should not be ignored. Here, the preamble of each claim defines and establishes the meaning of various elements recited elsewhere in the claims, as well as the relationship between those elements. The preamble should not have been ignored. Nevertheless, in the interests of moving prosecution forward, and without intending to make any substantive change to the claims, the applicants have moved the recited feature into the body of the claim. Reconsideration is respectfully requested.

As previously explained, and with reference to independent claims 1, 5, 7, 12, 15, 19, 21, 26 and 29, the claimed method and system involves two operating systems (*i.e.*, execution environments) running concurrently on a system, one of which is a “nexus.” The term nexus is explicitly defined in the specification at paragraph [0041] as a “‘high assurance’ operating system.” Specifically, each claim has been amended to recite “a secured execution environment and a second execution environment *operating concurrently on the system, the secured execution environment comprising a nexus and the second execution environment comprising a different operating system*” (emphasis added). In order to anticipate a claim, the reference must teach every element of the claim. The Office Action appears to assert that the Boebert et al reference teaches this feature in col. 5 of the reference, however, it does not.

The Boebert et al reference in col. 5 discloses a single operating system with two modes; a normal mode and a trusted mode. When in normal mode, the user may connect with non-secure network systems and perform operations that do not require validation or a trusted relationship between computer systems. In trusted mode, the operating system locks out non-trusted computer systems and network relationships to protect the trusted pathway such that the user may operate on sensitive, trusted data without the fear of this data being discovered or usurped by outside agents. However, this is not the same as the instant invention.

Boebert et al discloses a single operating system with two paths, non-trusted and trusted, and the ability to switch between the two, performing operations in first one, then the

other, but not performing concurrent operations. There is no disclosure, explicit or implied, for “a second execution environment operating concurrently on the system” where the “second execution environment” comprises “a nexus [*i.e.*, a “high availability” operating system”] and the second execution environment comprising a different operating system” as recited in the independent claims. Rather, the Boebert et al reference makes clear in col. 5, lines 28-33 that the operating modes are “either/or”, not concurrent. Thus, the Boebert et al reference does not disclose or teach the features recited in claims 1, 5, 7, 12, 15, 19, 21, 26 and 29 and therefore cannot anticipate those claims. Accordingly, reconsideration and allowance are respectfully requested.

Inasmuch as claims 2-4, 6, 8-11, 13-14, 16-18, 20, 22-25, 27-28, and 30 each depend from one of independent claims 1, 5, 7, 12, 15, 19, 21, 26 and 29, those claims are allowable for at least the same reasons shown for claims 1, 5, 7, 12, 15, 19, 21, 26 and 29. Accordingly, reconsideration and allowance are respectfully requested.

Regarding the Rejections under 35 U.S.C. §103

Claims 2 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Boebert et al (US 5,822,435) in view of Janssen et al, (US 6,512,529), and claims 5-6, 7-8, 10-11, 14, 19-20, 21-22, 24-25 and 28-30 stand rejected in further view of Ye et al (Ye, “Trusted paths for browsers: An open-source solution to web spoofing”, Feb 4, 2002). These rejections are respectfully traversed.

Neither the Janssen et al nor the Ye et al references remedy the deficiencies of the Boebert et al reference as explained above. Therefore, the combination of Boebert et al, Janssen et al, and Ye et al does not produce all the features of the independent claims 1, 5, 7, 12, 15, 19, 21, 26 and 29. Therefore, the combination of Boebert et al, Janssen et al, and Ye et al fails to provide the teachings needed to establish that claims 2, 5-6, 7-8, 10-11, 14, 19-20, 21-22, 24-25 and 28-30 are obvious. These claims are allowable for at least the reasons given above. Accordingly, reconsideration and allowance are respectfully requested.

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PATENT

CONCLUSION

For the foregoing reasons, the applicants respectfully submit that the instant application is in condition for allowance.

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